

TITLE 8

HEALTH AND SANITATION¹

CHAPTER

1. MISCELLANEOUS.
2. REFUSE.
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4. CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.
5. REGULATION OF LITTER, HANDBILLS, JUNK AUTOMOBILES, ETC.

CHAPTER 1

MISCELLANEOUS

SECTION

- 8-101. Health officer.
- 8-102. Adulterated food, drugs and cosmetics.
- 8-103. Communicable diseases.
- 8-104. Smoke, soot, cinders, etc.
- 8-105. Stagnant water.
- 8-106. Weeds.
- 8-107. Dead animals.
- 8-108. Health and sanitation nuisances.
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- 8-110. Milk ordinance adopted by reference.

8-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the mayor shall appoint or designate to administer and, enforce health and sanitation regulations within the city. (1979 Code, sec. 8-101)

¹For specific health and, sanitation provisions elsewhere in this code with respect to the following, see the references indicated:

- (1) Animals and fowls, title 3.
- (2) Mobile homes and mobile home parks, title 5, chapter 5.
- (3) Toilet facilities in beer places, section 2-209(13).

For provisions in the charter relating to health and sanitation, see particularly section 1.04, subsections (i)--(m).

8-102. Adulterated food, drugs and cosmetics. It shall be unlawful and a violation of this section or any person to violate within the City of Moscow any provisions of the state food, drug, and cosmetic laws. (1979 Code, sec. 8-102)

8-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge of the facts immediately to notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. (1979 Code, sec. 8-103)

8-104. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1979 Code, sec. 8-104)

8-105. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1979 Code, sec. 8-105)

8-106. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1979 Code, sec. 8-106)

8-107. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1979 Code, sec. 8-107)

8-108. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled, by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the

premises to the menace of the public health or the annoyance of people residing within the vicinity. (1979 Code, sec. 8-108)

8-109. Junk yards.¹ All junk yards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junk yards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be so built as that it will be impossible for stray cats and/or stray dogs to have access to such junk yards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1979 Code, sec. 8-109)

8-110. Milk ordinance adopted by reference.² (1) The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for ultimate consumption within the City of Moscow or its police jurisdiction; the inspection of dairy herds, dairy farms, and milk plants; and the issuance and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of Part I of the Grade A pasteurized Milk Ordinance--1965 Recommendations of the United States Public Health Service,³ three (3) copies of which shall be filed in the office of the recorder; provided, that in Section 1, "Definitions," A, "Milk" - Milk shall be understood to contain not less than 8½ per cent milk solids-not-fat and not less than 3½ per cent milkfat and that "not less than 8¼ per cent milk solids-not-fat and not less than ¾ per cent milkfat"

¹The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the 1961 case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S. W. 2d 818.

²The provisions in this section are taken substantially from the model ordinance prepared and distributed by the Tennessee Department of Public Health.

³This ordinance is Public Health Service Publication No. 229 and is for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., 20402. Price \$3.50.

shall be deleted; D - "Reconstituted or Recombined Milk and Milk Products" and, I - "Fortified milk and Milk Products" shall be deleted; O - "Milk Products"--It shall be understood that "cottage cheese" and "creamed cottage cheese" have been added to this definition as defined in footnote No. four and that "modified skim milk," "modified flavored skim milk drink," and "modified cultured buttermilk" as defined in the Tennessee Dairy Laws are included in this definition; provided further, that in Section 3, the paragraph beginning with the words, "Upon written application of any person whose permit has been suspended," shall be deleted in its entirety, and any reference elsewhere in this ordinance dealing with hearings before a permit can be suspended is also deleted; provided further, that the last sentence in the first paragraph of Section 5 shall read "Any violation of the same requirement of Section 7 on such reinspection shall call for permit suspension in accordance with Section 3 as amended, and/or court action"; provided further, that Sections 9, 16, and 17 of said unabridged ordinance shall be replaced respectively by subsections (2), (3), and (4) below.

(2) From and after the date on which this ordinance is adopted, only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded."

(3) Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$50.00, and/or such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(4) All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption as provided for by law. (1979 Code, sec. 8-110)

CHAPTER 2

REFUSE

SECTION

- 8-201. Refuse defined.
- 8-202. Premises to be kept clean.
- 3-203. Storage.
- 9-204. Location of containers.
- 8-205. Disturbing containers.
- 3-206. Collection.
- 8-207. Collection vehicles.
- 8-208. Disposal.
- 8-209. Refuse collection rates.

8-201. Refuse defined. Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined, except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1979 Code, sec. 8-201)

8-202. Premises to be kept clean. All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1979 Code, sec. 8-202)

3-203. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Moscow, where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. (1979 Code, sec. 8-203)

8-204. Location of containers. Where alleys are used by the city's refuse collectors, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley. Where

streets are used by the refuse collectors, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there be no curb, at such times as shall be scheduled by the city for the collection of refuse therefrom. As soon as practicable after such containers have been emptied, they shall be removed by the owner to within or to the rear of his premises and away from the street line until the next scheduled time for collection. (1979 Code, sec. 8-204)

8-205. Disturbing containers. No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1979 Code, sec. 8-205)

8-206. Collection. All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the mayor shall designate. Collection shall be made regularly in accordance with an announced schedule. (1979 Code, sec. 8-206)

8-207. Collection vehicles. The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse into the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1979 Code, sec. 8-207)

8-208. Disposal. The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. (1979 Code, sec. 8-208)

8-209. Refuse collection rates. The schedule of monthly rates for collection, removal, and disposal of refuse for residential, light commercial, and heavy commercial based on twice per week service are:

<u>Service Classification</u>	<u>Monthly Charge</u>
RESIDENTIAL	\$ 5.00
LIGHT COMMERCIAL- Volume is equivalent to residential; each additional day of collection per week is an additional monthly charge of \$2.25.	\$ 4.50

HEAVY COMMERCIAL- All volume \$15.00
above light commercial; each
additional day of collection
per week is an additional
monthly charge of \$7.50.

All refuse bills become delinquent on the 10th of each month and service shall be discontinued if the bill is not paid within thirty (30) days from the date of delinquency.

The rates as herein prescribed shall become effective upon June 15, 1980.
(1979 Code, sec. 8-209)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 8-301. Definitions.
- 8-302. Places required to have sanitary disposal methods.
- 8-303. When a connection to the public sewer is required.
- 8-304. When a septic tank shall be used.
- 8-305. Registration and records of septic tank cleaners, etc.
- 8-306. Use of pit privy or other method of disposal.
- 8-307. Approval and permit required for septic tanks, privies, etc.
- 8-308. Owner to provide disposal facilities.
- 8-309. Occupant to maintain disposal facilities.
- 8-310. Only specified methods of disposal to be used.
- 8-311. Discharge into watercourses restricted.
- 8-312. Pollution of ground water prohibited.
- 8-313. Enforcement of chapter.
- 8-314. Carnivals, circuses, etc.
- 8-315. Violations.

8-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(3) "Human excrete." The bowel and kidney discharges of human beings.

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(5) "Approved septic tank system." A water-tight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to

¹The regulations in this chapter governing the disposal of sewage and human excreta are recommended by the Tennessee Department of Public Health for adoption by cities in the interest of public health.

See title 4 of this code for plumbing regulations and title 13 for provisions relating to the administration and operation of the sewer system.

plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground, water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1979 Code, sec. 8-301)

8-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excrete. (1979 Code, sec. 8-302)

8-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system on any lot or premise accessible to the sewer no other method, of sewage disposal shall be employed. (1979 Code, sec. 8-303)

8-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed, and their use is permitted by the health officer, and an

accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1979 Code, sec. 8-304)

8-305. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1979 Code, sec. 8-305)

8-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excrete disposal is required under section 8-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, sec. 8-306)

8-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the health officer under this chapter shall, before the initiation of construction, obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1979 Code, sec. 8-307)

8-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 8-302, or the agent of the owner, to provide such facilities. (1979 Code, sec. 8-308)

8-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, sec. 8-309)

8-310 Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of

except by a sanitary method of disposal as specified in this chapter. (1979 Code, sec. 8-310)

8-311. Discharge into watercourses restricted. No sewage or excrete shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1979 Code, sec. 8-311)

8-312. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, sec. 8-312)

8-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1979 Code, sec. 8-313)

8-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excrete. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1979 Code, sec. 8-314)

8-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1979 Code, sec. 8-315)

CHAPTER 4

CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 8-401. Definitions.
- 8-402. Regulated.
- 8-403. Statement required.
- 8-404. Violations.

8-401. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The water works system furnishing water to the City of Moscow for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted, around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of importing contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized, or existing under the laws of this or any other state or country. (1979 Code, sec. 8-401)

¹The regulations in this chapter are recommended by the Tennessee Department of Public Health for adoption by cities.

See title 4 for the plumbing code and title 13 for provisions providing for the administration of the water and sewer systems.

8-402. Regulated. It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass, or interconnection is at all times under the direct supervision of the superintendent of the water works of the city of Moscow. (1979 Code, sec. 8-402)

8-403. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water works a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Public Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the water works. (1979 Code, sec. 8-403)

8-403. Violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass, or interconnection has been discontinued. (1979 Code, sec. 8-404)

CHAPTER 5

REGULATION OF LITTER, HANDBILLS, AND JUNK AUTOMOBILES
ETC.

SECTION

- 8-501. Definitions.
- 8-502. Litter in public places.
- 8-503. Placement of litter in receptacle so as to prevent scattering.
- 8-504. Sweeping litter into streets, etc., prohibited; premises to be kept clean.
- 8-505. Litter thrown by persons in vehicles.
- 8-506. Truck loads causing litter.
- 8-507. Litter in parks.
- 8-508. Littering bodies of water prohibited.
- 8-509. Throwing or distributing handbills in public places.
- 8-510. Placing handbills on vehicles.
- 8-511. Depositing handbills on uninhabited or vacant premises.
- 8-512. Distribution of handbills where properly posted prohibited.
- 8-513. Distributing handbills at inhabited private premises.
- 8-514. Dropping litter from aircraft.
- 8-515. Posting notices prohibited.
- 8-516. Litter on occupied private property.
- 8-517. Owner to maintain premises free of litter.
- 8-518. Burning in streets, etc.
- 8-519. Burning on city's dumping ground.
- 8-520. Accumulation of junk automobiles prohibited.
- 8-521. Litter on vacant lots and clearing of litter from open private property by city.

8-501. Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Aircraft" is any contrivance now known or hereafter invented used or designated for navigation and for flight in the air. The word "aircraft" shall include helicopters, lighter-than-air dirigibles, and balloons.

(2) "Authorized private receptacle" is a litter storage and collection receptacle as required and authorized in the municipal code.

(3) "City" is the City of Moscow, Tennessee.

(4) "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

(5) "Garbage" is putrescible animal and vegetable waste resulting from the transporting, handling, preparing, cooking, and consuming of food.

(6) "Litter" is "garbage," "refuse," and "rubbish" as defined herein and all other waste material which is thrown or deposited as herein prohibited.

(7) "Newspaper" is any newspaper of general circulation, or any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed, and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

(8) "Non-commercial handbill" is any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

(9) "Park" is a public park, reservation, playground, recreation center, or any other public area in the city, and the buildings and structures thereon owned or used by the city and devoted to active, inactive, or passive recreation.

(10) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(11) "Private premises" is any privately owned parcel of land, dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited temporarily or continuously, and whether uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such land, dwelling, house, building, or other structure.

(12) "Public place" is any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, grounds and buildings, and commons.

(13) "Refuse" is all organic and inorganic waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or junk automobiles, other junk, and market and industrial waste.

(14) "Rubbish" is nonputrescible waste consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

(15) "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a public way, including devices used exclusively upon stationary rails or tracks. (1979 Code, sec. 8-501)

8-502. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public places such as drive-in eating establishments within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps, except as may be permitted by the health officer. (1979 Code, sec. 8-502)

8-503. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried, or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Private receptacles shall be made secure from overturning and scattering of their contents by dogs or other animals. (1979 Code, sec. 8-503)

8-504. Sweeping litter into streets, etc., prohibited; premises to be kept clean. No person shall sweep into or deposit in any gutters, street, or other public place within the city the accumulation of litter from any building or lot or from any private sidewalk or driveway. Persons owning or occupying any property or place of business shall keep the sidewalks and parkway in front of their premises free of litter. (1979 Code, sec. 8-504)

8-505. Litter thrown by persons in vehicles. No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street, alley, road, public way, or other public place within the city, or upon private property. (1979 Code, sec. 8-505)

8-506. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place any mud, dirt, sticky substances, litter, or foreign matter of any kind. (1979 Code, sec. 8-506)

8-507. Litter in parks. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (1979 Code, sec. 8-507)

8-508. Littering bodies of water prohibited. No person shall throw or deposit litter in any fountain, pond, lake, river, stream, or any other body of water anywhere within the city. (1979 Code, sec. 8-508)

8-509. Throwing or distributing handbills in public places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street, public way, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. (1979 Code, sec. 8-509)

8-510. Placing handbills on vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. (1979 Code, sec. 8-510)

8-511. Depositing handbills on uninhabited or vacant premises. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (1979 Code, sec. 8-511)

8-512. Distribution of handbills where properly posted prohibited. No person shall throw, deposit, or distribute any commercial or non-commercial handbill upon any private premises if requested by the owner, occupant, or agent thereof not to do so, or if there is placed on said premises a sign bearing the words "No Trespassing", "No Peddlers or Agents", "No Advertisements," or any similar notice, indicating in any manner that the owner, occupant, or agent thereof of said premises does not desire to be molested or have his right of privacy disturbed, or to have any such handbills left upon such premises. (1979 Code, sec. 8-512)

8-513. Distributing handbills at inhabited private premises. No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited except by handing or transmitting any such handbill directly to the owner, occupant, or agent then present in or upon such private premises with permission to do so. Provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, such person may place or deposit any such handbill in or upon such inhabited private premises unless requested, not to do so; and provided such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifting about such premises or sidewalks, streets, or other public places, and further provided that mailboxes may not be so used when so prohibited by Federal postal laws or regulations.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (1979 Code, sec. 8-513)

8-514. Dropping litter from aircraft. No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object. (1979 Code, sec. 8-514)

8-515. Posting notices prohibited. No person shall post or affix any notice, poster, or other paper or device calculated to attract attention of the public, to any lamp post, public utility pole, or shade trees, or upon any public structure or building, except as may be authorized or permitted by law. When permitted, these signs must be removed by the person putting them up after their period of usefulness is over. (1979 Code, sec. 8-515)

8-516. Litter on occupied private property. No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried, or deposited by the elements upon any street, sidewalk, other public place, or upon any private property. (1979 Code, sec. 8-516)

8-517. Owner to maintain premise free of litter. The owner, occupant, or person in control of any private property or business property shall at all times maintain the premises free of litter. (1979 Code, sec. 8-517)

8-518. Burning in streets, etc. It shall be unlawful for any person to build or maintain a fire or fires or to burn or cause to be burned any leaves, grass, paper, trash, or any other kind of litter or rubbish on any sidewalk, roadway, street, or public right of way within the City of Moscow, including drainage ditches and shoulders of the road or street. (1979 Code, sec. 8-518)

8-519. Burning on city's dumping grounds. It shall be unlawful for any person to set fire to or burn any papers, trash, or garbage deposited upon the dumping grounds used by the city for the depositing or dumping of such trash or garbage collected by the city without the permission of the health officer. (1979 Code, sec. 8-519)

8-520. Accumulation of junk automobiles prohibited. It shall be unlawful for any person to permit, suffer, or allow the accumulation of any old, abandoned, or worthless automobiles or parts thereof upon any private property or vacant lots owned, occupied, or under the control of such person, and the same is hereby declared a nuisance. The owner and/or occupant of such lot or private property shall not be penalized if, within five (5) days after being notified of the same, he or they remove the offending conditions. Failure to comply with such notice within five days shall be a misdemeanor.

If the occupant of a premises is a tenant, however, and is not responsible for the accumulation of old, abandoned, or worthless automobiles, etc., on the premises, he may absolve himself of responsibility by notifying the owner that such conditions exist. It will then become the owner's sole responsibility to see that such conditions are removed. (1979 Code, sec. 8-520)

8-521. Litter on vacant lots and cleaning of litter from open private property by city. No person shall throw or deposit litter on any open or vacant private property within the city without the approval of the board of mayor and aldermen and, if the person wishing to deposit the litter does not own the property, the permission of the owner.

(1) Notice to remove. The health officer of the city is hereby authorized to notify the owner of any open or vacant private property within the city, or the agent of such owner, properly to dispose of litter located on such owner's property. Such notice shall be by registered mail addressed to said owner at his last known address.

(2) Action upon non-compliance. Upon the failure, neglect, or refusal of any owner or agent so notified, properly to dispose of litter within thirty (30) days after receipt of written notice provided for in sub-section (1), or within sixty (60) days after the date of such notice in the event the same is returned to the city by the postal authorities because of its inability to make delivery thereof, the health officer is hereby authorized to pay for the disposing of such litter or to order its disposal by the city.

(3) Charge for removal. When the city has effected the removal of such litter or has paid for its removal, the actual cost thereof plus accrued interest at the rate of six per cent (6%) per annum from the date of the completion of the removal shall be charged to the owner of such property. (1979 Code, sec. 8-521)